

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OTIS LEE RODGERS,

Plaintiff,

vs.

STATE OF OHIO, et al.,

Defendants.

1:13-cv-01802-GSA-PC

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL  
(Doc. 13.)

**I. BACKGROUND**

Otis Lee Rodgers ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff lodged the Complaint commencing this action on September 6, 2013 at the United States District Court for the Central District of California. (Doc. 1.) On October 29, 2013, Plaintiff filed the First Amended Complaint. (Doc. 6.) On November 5, 2013, the case was transferred to the Eastern District of California. (Doc. 4.) Plaintiff has consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 9.)

On February 5, 2014, Plaintiff filed a motion to compel discovery. (Doc. 13.)

Plaintiff is advised that the time for discovery in this action has not commenced. The court shall establish a discovery schedule at a later date by issuing a scheduling order which shall be served upon all parties to this action.<sup>1</sup> Until then, Plaintiff may not pursue discovery in

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<sup>1</sup>At this stage of the proceedings, Plaintiff's First Amended Complaint awaits the court's requisite screening under 28 U.S.C. § 1915A. Service of process upon defendants will not be initiated by the court until after the court has found that the complaint states cognizable claims. The court will issue a scheduling order establishing dates for discovery after one or more of the defendants have filed an answer to the complaint.

1 this action, and defendants may disregard any pending discovery requests which have been  
2 served upon them by Plaintiff.

3 Based on the foregoing, IT IS HEREBY ORDERED THAT Plaintiff's motion to  
4 compel, filed on February 5, 2014, is DENIED.

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8 IT IS SO ORDERED.

9 Dated: February 6, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE